



Fair Campaign Practices Commission
Open Government Commission

MINUTES

April 20, 2023

CONCURRENT REGULAR MEETING OF THE FAIR CAMPAIGN PRACTICES COMMISSION AND THE OPEN GOVERNMENT COMMISSION

North Berkeley Senior Center
1901 Hearst Ave.
Aspen Room

Secretary: Samuel Harvey

Members Present: Patrick O'Donnell, Janis Ching, Kitt Saginor, Jedidiah Tsang, Pedro Hernandez, James Hynes

Also Present: Samuel Harvey, Staff Secretary

1. **Call to Order**

Chair called the meeting to order at 6:35 p.m.

2. **Roll Call**

Roll call taken.

3. **Public Comment**

No speakers.

4. **Approval of Minutes:**

a. March 16, 2023 FCPC-OGC Concurrent Regular Meeting

a. Public comment: none.

b. Commission discussion and action.

Motion to approve minutes fixing minor typo (M/S/C: O'Donnell/Hernandez; Ayes: O'Donnell, Ching, Saginor, Hernandez, Hynes; Noes: none; Abstain: Tsang; Absent: Blome.)

FCPC Agenda

5. **Reports**
 - a. **Report from Chair**
 - b. **Report from Staff**

6. **City Clerk Department referral to Commission regarding failure of the following campaigns to file one or more campaign reports**
 - a. **Andy Kelley for Rent Board 2020**
 - b. **Mike Chang for Berkeley School Board 2022**
 - a. Public comment: No speakers.
 - b. Commission discussion and action.

Motion to take no action regarding Andy Kelley for Rent Board 2020 based on campaign now being up to date with filings (M/S/C: Ching/Tsang; Ayes: O'Donnell, Ching, Saginor, Tsang, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

Motion to direct Secretary to send a letter from the Commission to Mike Chang for Berkeley School Board 2022 indicating the lack of compliance and possible future Commission action (M/S/C: O'Donnell/Ching; Ayes: O'Donnell, Ching, Saginor, Tsang, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

7. **Complaint alleging violations of Berkeley Election Reform Act ("BERA") by Kesarwani for Berkeley City Council 2022**
 - a. Public comment: No speakers.
 - b. Commission discussion and action

Motion to dismiss complaint for failure to state a violation of BERA and take no further action (M/S/C: Hernandez/Saginor; Ayes: O'Donnell, Ching, Saginor, Tsang, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

8. **Complaint alleging violations of Berkeley Election Reform Act ("BERA") by Mark Humbert for Council 2022**
 - a. Public comment: No speakers
 - b. Commission discussion and action

Motion to dismiss complaint for failure to state a violation of BERA and take no further action (M/S/C: O'Donnell/Ching; Ayes: O'Donnell, Ching, Saginor, Tsang, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

9. **Revisions to Qualified Contribution Receipt for Public Financing**

- a. Public comment: No speakers
- b. Commission discussion and action

Motion to approve revised Qualified Contribution Receipt form (M/S/C: O'Donnell/Tsang; Ayes: O'Donnell, Ching, Saginor, Tsang, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

10. Report from subcommittee on contribution limits under Berkeley Municipal Code § 2.12.415

- a. Public comment: No speakers
- b. Commission discussion

OGC Agenda

11. **Reports**

- a. Report from Chair.
- b. Report from Staff.

12. **Annual staff report pursuant to Berkeley Municipal Code section 2.06.190.C**

- a. Public comment: No speakers.
- b. Commission discussion.

Staff to bring item back for further discussion at next meeting.

13. **Possible changes to public commenting practices for City Council meetings**

- a. Public comment: No speakers.
- b. Commission discussion and action.

Motion to create a subcommittee to review issues relating to public participation and access at public meetings, including those topics raised in discussion at City Council March 14, 2023, meeting regarding public comment procedures (M/S/C: Hynes/O'Donnell; Ayes: O'Donnell, Ching, Saginor, Tsang, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

14. **Adjournment**

Motion to adjourn (M/S/C: O'Donnell/Ching; Ayes: O'Donnell, Ching, Saginor, Tsang, Hernandez, Hynes; Noes: none; Abstain: none; Absent: Blome.)

The meeting adjourned at 8:12 p.m.